



U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons
Metropolitan Correctional Center

*150 Park Row
New York, New York 10007*

April 1, 2020

The Honorable Paul Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, N.Y. 10007

Re: **Bryant Brown**
Register No. 87654-054

Dear Judge Engelmayer:

I write respectfully to ask the Court to vacate or modify its Order regarding Bryant Brown dated March 31, 2020. MCC NY was not given the opportunity to weigh in on the implications, burden and necessity of the order prior to its entry.

[REDACTED]

[REDACTED] MCC New York does not have COVID-19 tests and would have to send Mr. Brown to the hospital to be tested. The MCC New York doctor contacted a BOP Infectious Disease Coordinator and explained [REDACTED]. They have advised that no test is required [REDACTED]. [REDACTED] The Infectious Disease Specialist and doctor are aware of the CDC guidelines for testing and indicate that in their clinical judgement testing is not required. It would be ill-advised to take someone who is currently [REDACTED] to the hospital and expose him to others who are symptomatic for a test that an Infectious Disease Specialist advised is not needed.

Second, MCC NY is trying to manage a crisis situation at the institution and to have to report daily on one inmate who is currently asymptomatic is unduly burdensome. MCC NY needs to manage its population as a whole and focus on those inmates who need care and attention. While each inmate is important we cannot focus our attention daily to report on this inmate and possibly neglect others who need care. To burden our staff with this reporting would take them away from other necessary duties.

Third, with regard twice weekly phone calls this is also unduly burdensome. MCC NY is currently receiving approximately 30-50 requests per day for phone calls.

We need to be able to prioritize and manage all the attorneys that need access to their clients. Requiring twice weekly calls will take away from other attorneys who need access to their clients in regard to bail hearings and other emergent Court needs and would be unduly burdensome on the staff. Furthermore, Mr. Kaminsky has not shown a need for twice weekly conversations.

The BOP is always ready and willing to work with defense counsel to discuss issues regarding clients. This Order requires MCC NY to put the needs of one inmate over all of the other 700 inmates here at the MCC NY, this simply should not be the case. Accordingly, MCC NY respectfully requests that Your Honor vacate this Order.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'M. Licon-Vitale', with a stylized, cursive script.

M. Licon-Vitale
Warden